

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE,
NATIONAL LAWYERS GUILD,
CYNTHIA QUENTIN BROWN,
GABRIEL CAMACHO, TAREEF KAWA,
and DAN KESSELBRENNER,

Plaintiffs,

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendant.

AFFIDAVIT OF JOSEPH C. CARTER

Joseph C. Carter, being duly sworn, hereby deposes and says as follows:

1. I am Chief of the Massachusetts Bay Transportation Authority ("MBTA") Transit Police Department. I have been with the MBTA since January 2003. From January 1998 until January 2003, I was the Chief of the Oak Bluffs, Massachusetts Police Department. Prior to that, I was the Superintendent of the Boston Police Department for fourteen years.

2. On July 16, 2004, I issued General Order No. 2004 governing the MBTA Transit Police Department Security Inspection Program. A copy of the General Order is attached hereto as **Exhibit A**.

3. As Chief of Police, I am responsible for supervising the implementation of the Security Inspection Program, including the Department's efforts to notify and inform the riding public about the Security Inspection Policy.

4. These efforts began over one month before the Security Inspections commenced, when the MBTA launched a public information campaign informing riders of the increased security measures the MBTA planned to take during the Democratic National Convention. To that end, on June 8, 2004, the MBTA posted a Security Statement on its internet website informing the public that “[a]s part of an effort to guard against terrorism, MBTA Police are developing a policy that would involve random checks of passenger’s bags. . .” A copy of the Security Statement is attached hereto as **Exhibit B**. In addition, on July 12, 2004, the MBTA issued a press release announcing that it would be implementing a policy of conducting security inspections of carry-on items. A copy of the press release is attached hereto as **Exhibit C**.

5. On July 12, 2004, ten days before the MBTA began to conduct Security Inspections of handbags, briefcases and other carry-on items, the MBTA began distributing handouts informing passengers of the Security Inspection Policy. A copy of the handout is attached hereto as **Exhibit D**. Since July 12, 2004, Police Officers and volunteers have distributed over 100,000 handouts to passengers throughout the MBTA transit system. The handouts provide, in part,

From now on:

All MBTA customers will be subject to security inspections of any carry-on item. Your commute may be briefly delayed. Please allow a little time for a potential security inspection of your handbags, briefcases and/or other carry-on items and for other security measures. Your patience is appreciated.

6. In addition, beginning on July 12, 2004, the MBTA began distributing booklets containing information about MBTA service changes during the Democratic National Convention. A copy of the booklet is attached hereto as **Exhibit E**. Page one of

the booklet informs riders that “all baggage, briefcases, packs, and boxes are subject to search.”

7. In accordance with Section 4.0 of the General Order, poster-sized notices are posted in conspicuous locations in all subway and commuter rail stations in which Security Inspections are conducted. The MBTA plans to bring an example of such notice to the hearing on the Plaintiffs’ Motion for Preliminary Injunction. In addition, audio announcements are being made in subway and commuter rail stations notifying passengers that their carry-on items will be subject to security inspections. In commuter rail stations, Electronic Message Boards also notify passengers of the Security Inspection Program.

8. In addition to the notice given to general public discussed above, since the MBTA began conducting Security Inspections on July 22, 2004, each and every individual passenger whose carry-on items are inspected has been given a pocket-sized card explaining the Security Inspection Program. A copy of the pocket-sized card is attached hereto as **Exhibit F**. The card specifically informs riders that “any person refusing to allow a security inspection will be either denied entry or requested to leave MBTA property.”

9. The handouts and the pocket-sized cards described above are also available in Chinese, Creole and Spanish, in both printed form and via the MBTA internet website. Copies of the translations and the webpage containing the translations is attached hereto as **Exhibit G**.

10. The MBTA commenced its Security Inspection Program on July 22, 2004. During a press conference late in the day, based on my personal observations, I reported that the program ran smoothly.

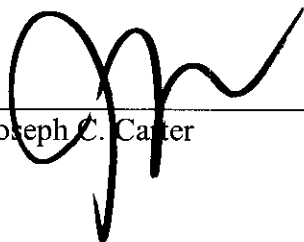
11. Later that day, the Boston Globe published an article about the Security Inspections. The article reported that:

Police funneled more than 200 commuters through a single entrance to the platform at the Holbrook station, on the Randolph line about 15 miles south of Boston, and sealed off other entry points. They stopped every 11th passenger -- more than 20 people -- and brought them to a table where their bags were swabbed with a sensor pad that then was run through a General Electric explosive-sensing machine. A bomb-sniffing dog was on hand to double-check any bag that tested positive. There were none that required that treatment.

A copy of the Boston Globe article is attached hereto as **Exhibit H**.

12. That same day, the Anti-Defamation League issued a press release indicating its support for the Security Inspection Program. A copy of the Anti-Defamation League letter is attached to the Carter Affidavit as **Exhibit I**.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 26th
DAY OF JULY, 2004.



Joseph C. Carter